

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

**Emilee Carpenter, LLC d/b/a Emilee
Carpenter Photography and Emilee
Carpenter,**

Plaintiffs,

v.

Letitia James, in her official capacity as
Attorney General of New York; **Maria
Imperial**, in her official capacity as Acting
Commissioner of the New York State
Division of Human Rights; and **Weeden
Wetmore**, in his official capacity as District
Attorney of Chemung County,

Defendants.

Case No. 6:21-cv-06303

**DESIGNATION OF
RECORD ON APPEAL**

Plaintiffs request this Court certify and transmit the following documents to the U.S. Court of Appeals for the Second Circuit for its consideration of the appeal in this matter:

1. Verified complaint with exhibits 1–2, ECF Nos. 1, 1–1, and 1–2;
2. Plaintiffs’ Preliminary Injunction Motion, Memorandum of Law in Support, Verified complaint with exhibits 1–2, Notice of Preliminary Injunction Motion; List of Witness and Exhibits for Preliminary Injunction Hearing, Declaration of Emilee Carpenter in Support of Plaintiffs’ Motion for Preliminary Injunction, Appendix Table of Contents, Appendix, and Proposed Order Granting Plaintiffs’ Motion for Preliminary Injunction, ECF Nos. 3, 3–1, 3–2, 3–3, 3–4, 3–5, 3–6, 3–7, and 3–8;

3. Amici Curiae Brief of States in Support of Plaintiffs' Motion for Preliminary Injunction, ECF No. 22;

4. County Defendant's Notice of Motion to Dismiss, Memorandum of Law, and Affidavit of Jeffrey Walker, ECF Nos. 24, 24-1, and 24-2;

5. Defendants' Memorandum of Law in Opposition to Plaintiffs' Preliminary Injunction Motion, Declaration of Johnathan Smith with exhibits A-L, Declaration of Heather McKay with exhibits M-O, and Declaration of Jessica Clarke with exhibits Q-S, ECF Nos. 26, 26-1, 26-2, and 26-3;

6. Notice and Memorandum of Law in Support of State Defendant's Motion to Dismiss, ECF Nos. 27 and 27-1;

7. Plaintiffs' Reply in Support for Preliminary Injunction, ECF No. 56;

8. Plaintiffs' Memorandum of Law in Response to State Defendant's Motion to Dismiss with exhibits 1-2, ECF Nos. 57, 57-1, and 57-2;

9. Plaintiffs' Combined Memorandum of Law in Response to County Defendant's Motion to Dismiss and Reply in Support of Preliminary Injunction, ECF No. 58;

10. County Defendant's Reply Memorandum of Law in Support of a Dismissal and Opposing Preliminary Injunction, ECF No. 59;

11. Reply in Support of State Defendants' Motion to Dismiss, ECF No. 60;

12. Defendants' Statement of Supplemental Authority with Exhibit, ECF Nos. 61 and 61-1;

13. Plaintiffs' Response to Defendants' Supplemental Authority, ECF No. 62;
14. Plaintiffs' Statement of Supplemental Authority, ECF No. 63;
15. Plaintiffs' Statement of Supplemental Authority, ECF No. 64;
16. Decision and Order, ECF No. 68;
17. Judgment, ECF No. 69; and
18. Notice of Appeal, ECF No. 70.

Respectfully submitted this 26th day of January, 2022.

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ATTORNEYS FOR PLAINTIFFS

*Admitted *Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of January, 2022, I electronically filed the foregoing document with the Clerk of Court and that the foregoing document will be served via the CM/ECF system on all counsel of record.

s/ Jonathan A. Scruggs

Jonathan A. Scruggs

Attorney for Plaintiffs